

EDUCATION DEPARTMENT [281]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 15, “Use of Online Learning and Telecommunications for Instruction by Schools,” Iowa Administrative Code.

Chapter 15 was promulgated to implement Iowa Code section 256.42, Iowa learning online initiative, and became effective January 16, 2013. Iowa Code section 256.42, subsection 7, was amended by Senate File 2200 during the 2016 session of the General Assembly. This amendment implements the changes in that Act.

Senate File 2200 permits a school district or school to seek from the Department of Education a one-year waiver from the educational standards for high school programs in order for the school district or school to provide instruction for an offer and teach subject through an online course that is not available through the Iowa Learning Online (ILO) initiative pursuant to Iowa Code section 256.42. To qualify for such a waiver, the course content must be provided through an online learning platform by an Iowa licensed teacher with online learning experience and must be aligned with Iowa content standards. The course must be the sole course provided by the school district or school per semester under such a waiver.

An agencywide waiver provision is provided in 281—Chapter 4.

Interested individuals may make written comments on the proposed amendment on or before November 1, 2016, at 4:30 p.m. Comments on the proposed amendment should be directed to Phil Wise, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-4835; e-mail

phil.wise@iowa.gov; or fax (515)242-5988.

A public hearing will be held on November 1, 2016, from 10:00 to 11:00 a.m. in the State Board Room, Second Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should advise the Department of Education of their specific needs by calling (515)281-5295.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 256.42, subsection 7, as amended by Senate File 2200 (2016).

The following amendment is proposed.

281—15.11(256) Inappropriate applications of ILO coursework; criteria for waivers.

15.11(1) General. ILO courses are not to be used by a participating school district or accredited nonpublic school as a long-term substitute for any course required to be offered and taught under 281—Chapter 12.

15.11(2) Waiver of 15.11(1): ILO coursework. The department may grant for one year a waiver from the requirement to offer and teach a specific subject if the school district or accredited nonpublic school documents all of the following:

~~a.1.~~ The subject and grading period or periods for which waiver is requested.

~~b.2.~~ Reasons why the school district or accredited nonpublic school does not have a teacher employed who is appropriately licensed and endorsed for the educational level and content area being taught.

~~c.3.~~ The steps taken by the school district or accredited nonpublic school to employ a teacher who is appropriately licensed and endorsed for the educational level and content area being taught.

~~d.4.~~ Approval of the request by the local school board.

15.11(3) Additional waiver of 15.11(1): Coursework not available through ILO. In addition to the requirements of rule 15.7(256), the specified subject may alternatively be provided by the school district or school if all of the following conditions are met:

a. The course content is provided through an online learning platform by an Iowa licensed teacher with online learning experience.

b. The course content provided is aligned with school district or school standards and satisfies the requirements of rule 281—15.13(256).

c. The course is not offered by ILO pursuant to this chapter, or the course offered by ILO lacks the capacity to accommodate additional students.

d. The course is the sole course per semester that the school district or school is providing instead of ILO pursuant to this rule.